

# **Credit River Township Meeting Minutes July 6, 2009**

## **Call to Order**

Chairman Leroy Schommer called the meeting to order at 6:00 pm.

## **Members Present:**

Chairman Leroy Schommer, Vice Chairman Bruce Nilsen, Supervisor Brent Lawrence, Supervisor Tom Kraft, Supervisor Al Aspengren

## **Others Present:**

Township Clerk Jerry Maas, Township Treasurer Holly Batton, Township Engineer Shane Nelson, Township Attorney Bob Ruppe

## **Old Business**

### **1) Stonebridge Project (6:00:30 pm)**

Residents from this development appeared at June 1, 2009 meeting to note that certain amenities have not been completed. They were told that the Township would review these and discuss at the July meeting.

Attorney Ruppe stated that he has received an email from the developer and they have approved use of the LOC funds to complete the monitoring well and water system.

The Board asked that Attorney Ruppe seek a formal letter of confirmation for our records.

As requested by the Board at the last meeting, Matthew Resch, attorney for the HOA presented some quotes for completing the well portion of the project.

Chairman Schommer noted that it is his understanding that the LOC funds we have are designated for warranty requirements and that we would not be able to release these additional funds until the warranty period has expired in May of 2010.

Mr. Resch indicated that this would be acceptable.

Mr. Resch also presented a quote for the water treatment system from Robert B Hill, as well as a proposal for repair of the walking bridge.

Mr. Resch expressed a concern that funds will be exhausted before the water system and monitoring well are completed and that the HOA would be left with the financial obligation. As a result he is seeking assurances from the Board that this work will be completed.

Supervisor Nilsen noted that the spring road restrictions would no longer be in effect by mid-May and a full inspection of the roads could be done at that time. He noted that he felt comfortable committing funds in the amount of \$23,000 to complete the monitoring well and water treatment facility.

Attorney Ruppe suggested that the Board determine the amount that will be needed for warranty purposes. He also noted that the CSTS is an obligation of the HOA and could be financed via a service charge or property assessment.

Supervisor Nilsen asked if we would be expected to work with the county on the walking bridge since this was a County amenity.

Attorney Ruppe suggested another letter to the developer seeking permission to use funds.

Supervisor Nilsen noted we should oversee the work on the monitoring wells, but allocate funds for the water treatment system.

Chairman Schommer stated that we've never overseen a project in the past. Supervisor Aspengren agreed, noting that the contractors are very experienced.

Engineer Nelson noted that the DNR may require permits or additional data. This will complicate matters. He asked if anyone has spoken with DNR or MDH. Mr. Resch indicated that if the HOA handled it, he would see that this was done.

Supervisor Lawrence noted that based on Engineer Nelson's comments there may be added costs.

Supervisor Nilsen made a motion to allocate up to \$25,9000 of the LOC funds towards the monitoring well and water treatment plant.

Supervisor Aspengren asked who would be responsible for oversight?

Attorney Ruppe recommended the township contract for the work.

Supervisor Nilsen amended his motion to accept the bid of Hartman Well Co. contingent on the quote being current and on getting a second quote on the water treatment, system.

Engineer Nelson suggests that we delay decision until we get the proper info.

Supervisor Nilsen withdrew all of his motions

Supervisor Nilsen make a motion to allocate up to \$25,000 to the HOA from the LOC funds for the Monitoring Well and the Water Treatment system contingent on receiving written approval from the developer

Supervisor Aspengren suggested that we address only the well portion of this project.

Supervisor Kraft offered a second to the motion before the Board.

The motion passed 4 – 1 (Supervisor Aspengren opposed)

The Board asked Attorney Ruppe to contact the developer.

## **2) Lisa Zylkowski – Reduction in CSTS Fees for Vacant Lots (6:46:40) pm**

Mrs. Zylkowski appeared at the last meeting to request a reduction in the monthly charges for the Community Sewer System for vacant lots. At that time, it was suggested that Mrs. Zylkowski meet with EcoCheck, the wastewater operator and arrive at some proposals for certain charges that might be eliminated on vacant lots.

Mrs. Zylkowski was not at the meeting this evening.

Ryan Brandt sent a proposal to reduce the fees for vacant lots by \$20

Chairman Schommer made a motion to reduce charges for vacant lots adjacent to homesteaded lots by \$20 effective 8/1/09. Supervisor Nilsen offered a second, motion passed 5 – 0.

## **3) Lucian Strong – Review Attorney Fees (6:50:10 pm)**

At the last meeting, Mr. Strong, a resident of the Township, presented some ideas on how the Township might save some money on legal fees. The Board asked that he return at the July meeting to discuss these in more detail.

Chairman Schommer mentioned that we scheduled a workshop to review this issue with our consultants but due to the holiday period, we were unable to get everyone together and therefore there has been no action as yet.

Mr. Strong mentioned that charging for travel to and from meetings was a problem and that charges of approximately \$2000 per month for two meetings each month was in his opinion excessive. Chairman Schommer stated that he had been in contact with Attorney Ruppe with regard to the travel expenses.

Attorney Ruppe noted that his firm must be consistent in its billing practices with all the townships they represent. He mentioned that Credit River is the only township that requires his attendance at all meetings. He stated that he has discussed the issue of travel time with his partners and they would be willing to waive travel time as long as we continue to require that the attorney be present at our first meeting of the month. They would however have to charge for travel time for special meetings.

Attorney Ruppe indicated he would send a letter specifying this understanding if the Board would so desire. Chairman Schommer indicated he would accept this offer.

Supervisor Kraft suggested that one supervisor get competitive quotes for legal services.

**(Chairman Schommer asked that we recognize Deputy Turek for the Sheriff's report at this time)**

### **Sheriff's Report (6:58:15 pm)**

Deputy Mike Turek presented the report for June. He mentioned that complaints regarding ATV operation are on the rise.

Supervisor Aspengren mentioned that there was an ATV incident in his neighborhood and that the responding deputy indicated that there were no regulations that would be enforceable.

Supervisor Aspengren pointed out that we do in fact have Ordinance #13 in place that does regulate noise from recreational vehicles.

Deputy Turek indicated that copies have now been provided to all of the deputies.

Supervisor Kraft called attention to the recent email that Deputy Hensel sent out regarding an increase in break-ins in the area.

### **(The Board returned to the discussion regarding Attorney fees) (7:02:20)**

Treasurer Batton suggested an annual scheduled review of consultants.

Supervisor Nilsen suggested that we re-schedule the workshop with the consultants.

Attorney Ruppe also noted that this meeting would be an opportunity for the consultants to express their concerns in terms of communicating with the Board and feels it would be best that the consultants be present at this session.

It was decided that the Board would meet in a workshop setting prior to the next meeting to discuss expectations for the consultants.

### **4) Approve Crack Seal / Seal Coat Coop Agreement (7:11:30 pm)**

Scott County has sent a document in the form of a formal agreement to provide Crack Filling and Seal Coating services for the Township. They are asking that the Board formally approve this agreement at this time.

Supervisor Kraft stated that the County called within a couple of days of actually performing the seal coating work and that this was not appropriate in his opinion. The

crack filling operation was even worse in that we had less than 24 hours notice. Supervisor Kraft is not comfortable approving this agreement after the fact.

Chairman Schommer mentioned that he had given verbal approval to allow for the bid process to proceed.

Supervisor Kraft noted that he asked Engineer Nelson review the cost estimates presented by the County. The total cost for the crack filling in approximately \$81,000. We've not seen the final billing for the seal coating, but we've got bills for \$58,234 at this time for a total of approximately \$139,000.

The Board approved and signed the agreement.

#### **5) Fire Contract Status (7:21:40 pm)**

Supervisor Lawrence noted that he had provided copies of the updated proposed Fire Contract he received from Prior Lake City Manager Frank Boyles noting that the City would like to continue the contract as it is. It is a five-year contract running through 2013.

Supervisor Lawrence noted that Spring Lake Township passed the contract, however, they wish to continue looking into the possibility of starting their own department.

Supervisor Lawrence proposed that we accept this contract contingent on attorney review.

Supervisor Aspengren asked if the concept of the Fire Board is still a part of this contract?

Supervisor Lawrence noted that it was not specifically included but there are provisions for meeting with the officials concerning the department operations.

Supervisor Lawrence made a motion to accept the contract contingent on attorney review. Supervisor Nilsen offered a second, all in favor, motion passed 5 – 0.

#### **6) Don Loehr – Request Approval Final Plat – Loehr Ridge (7:25:10 pm)**

Mr. Loehr appeared to request township approval for the final plat for Loehr Ridge

Chairman Schommer noted that the changes requested were being incorporated into the final agreement. Mr. Loehr concurred.

Supervisor Nilsen made a motion to recommend approval of Loehr Ridge for two lots and one outlet. Supervisor Kraft offered a second, all in favor, motion passed 5 – 0.

#### **Minutes of Previous Meeting – June 1 2009 (7:29:20 pm)**

Chairman Schommer called on Clerk Maas to summarize the minutes of the June 1, 2009 meeting.

Clerk Maas noted that he had previously sent out copies of the draft minutes as well as the changes requested by everyone except Supervisor Nielsen's.

Supervisor Nilsen proposed some changes that Clerk Maas noted.

Supervisor Nilsen made a motion to approve the minutes with noted changes. Supervisor Lawrence offered a second, all in favor, motion carried 5 – 0

#### **Citizens Group Report (7:40:00 pm)**

Greg Brown reported that the group has met and discussed content of next newsletter.

Mr. Brown mentioned that topics such as the Township's view of the recently passed Social Host Ordinance, a column by Supervisor Kraft or Chairman Schommer, a column by Commissioner Wolf, an article on the upcoming continuation of the Annual Meeting, a

discussion of the Fiscal Impact Study as well as something about the new Right to Farm Ordinance.

Chairman Schommer suggested that some information on ATV's would be in order.

Resident Kathy Haugh noted that in her opinion, more resident input is needed and she suggested that some consideration be given to mailing the survey out to the Township.

Supervisor Aspengren concurred and also felt that more input would be to the Board's advantage.

Supervisor Kraft mentioned that some information regarding Neighborhood Watch Groups might be appropriate.

Supervisor Kraft brought up the issue of reimbursement for doing this newsletter.

Mrs. Haugh said she would organize the content of the newsletter for a flat fee of \$50. If research and writing is required, she would charge \$15 / hour.

Supervisor Kraft made a motion to reimburse Kathy Haugh \$50 to format the newsletter plus \$15 per hour to research and/or /write material as required. Supervisor Nilsen offered a second, all in favor, motion passed 5 – 0.

The Board suggested a draft copy of the newsletter be finished by July 27<sup>th</sup> for approval at the August 3<sup>rd</sup> meeting. This would require that material for the newsletter be given to Mrs. Haugh by July 20<sup>th</sup>.

Supervisor Aspengren suggested that the results of the Open House Survey be the lead article in the next newsletter in that the Board will be voting on this in September.

Supervisor Kraft asked clarification, as he didn't feel a final vote was being proposed for September.

Supervisor Lawrence emphasized the importance of getting additional response from the residents.

Clerk Maas noted that many residents are asking if they get to vote on this decision of whether to incorporate or not and of course the answer is no, the Board will vote on this. He noted that the Board has indicated they will rely heavily on resident input and that participation in the survey is in fact, the opportunity for the residents to in effect vote on this subject.

Resident Cathy Haugh noted that the information presented at the Open House as far as she understood it, indicated that the Board would be making a decision at the September meeting on the "preferred approach", not necessarily a decision to go forward on any specific decision.

## **Resident Open Forum (7:55:55 pm)**

Chairman Schommer called for any persons wishing to discuss a topic not on the agenda.

1) Jerry Michels, resident of Birch Road, commended the work that has been done on the Whitewood Ave. / Birch Road reconstruction project, however he noted that the edge of his driveway is too close to the culvert.

Mr. Michels asked if the Board has a standard format for contracting for work of this type in order to insure consistency in performance. For example the topsoil used in the seeding process appears to be sub-standard. In addition, the boundary area between the ditch and the yard does not match up well. Also, the technique for seeding appeared to be suitable for highway rural ditches in that it seems to produce only weeds and clover not acceptable in a residential setting.

Mr. Michels also asked what control the Township has over the sump pump designs in the area in that the outlet for the sump pumps drains to the ditches and ultimately ends up in Markley Lake rather than simply being returned to the ground.

Supervisor Nilsen noted that this was designed in this fashion in order to keep the ditches dryer and as a result preserve the road surface.

Resident Beverley Parrish noted that the screens are missing from the culverts and they are getting plugged up. She would like someone to stop by and look at her property

Chairman Schommer asked that Assistant Engineer Ken Beck meet with Mr. Michels and review the driveway issue.

### **Resident Responses – Open House Survey (8:06:30 pm)**

Supervisor Lawrence reviewed the 16-page report that he compiled and had circulated to the Board on June 16th. He mentioned that there were 63 respondents.

Supervisor Nilsen suggested that local meetings might be held in the neighborhoods to provide additional information.

Supervisor Aspengren asked that each of the supervisors offer his view of the Open House at this time.

Supervisor Kraft noted that he felt there is still a lack of understanding on the part of the residents. He feels we ought to meet more often specifically to discuss this topic.

Resident Cathy Haugh asked if the Board could in fact vote to put this to a resident vote? Attorney stated that the answer is no by statute.

Attorney Ruppe suggested that perhaps a document of “commonly asked questions and answers” might be prepared.

Supervisor Lawrence mentioned that there was a lot of discussion regarding water and sewer requirements and that residents like the life style we currently enjoy and they would prefer not to have city services. Also, do our neighbors desire to annex portions of the Township? .

Clerk Maas mentioned that in his opinion, continuing to educate the residents is very important. He noted that regardless of which way the Board decides, there is going to be disagreement and if the effort at this time is on helping people to understand the ramifications of the choices on both sides, at least people while perhaps disagreeing with the ultimate decision, will hopefully understand why the Board made the choice it ultimately makes.

Supervisor Aspengren stated that it was his impression that most of those he talked to liked the idea of maintaining control over our future through the process of incorporation. He cautioned against falling into the trap of demanding more services just because we would be called a city. He further mentioned that as far as those residents in the south paying for services in the north part of the Township, that all residents are already participating in shared expenses as far as road construction is concerned.

Supervisor Nilsen stated that Met Council has designated the northern part of the township as Urban Expansion Reserve and will eventually be served by sewer and water.

The Board discussed at this point having a workshop on July 20<sup>th</sup> to continue discussion on this topic.

### **Review Road Status (8:41:05 pm)**

Supervisor Kraft presented a report summarizing the status of current road repair activity.

He noted that we have received some inquiries on certain areas that need shouldering and that we need to consider this in the future.

Supervisor Kraft mentioned that Chairman Schommer would be looking into the tree trimming requirements. He reported that the ditched have been mowed.

Supervisor Kraft asked about culvert cleaning and who would be responsible?

Supervisor Lawrence noted that the one located on 165th Street needs some additional work besides cleaning. Chairman Schommer will follow up.

Supervisor Aspengren asked about the open culverts of the standing list that need to be cleaned. Chairman Schommer will also work with Supervisor Aspengren on these.

Engineer Nelson will continue to look into the fog-sealing question.

Chairman Schommer inquired about sweeping the Town Hall lot? He asked Supervisor Kraft to follow up.

### **Review Parks / Playground / Athletic Fields (8:54:00 pm)**

Supervisor Lawrence reported that the baseball backstop in the Creekwood Park is fixed. The backstop in Scottsview Acres needs some work.

The Picnic Table for Creekwood is on order and Supervisor Lawrence will meet with residents to determine location for these.

The recent problem with the grass cutting for "putting greens" in the Country Court Park has been resolved.

Chairman Schommer has a obtained a proposal for repair the grounds beneath the play equipment at Caseys and Creekwood.

Supervisor Lawrence also reported that we've received proposals to improve the ball diamond surfaces.

Total cost for both of these projects would be approximately \$17,000 and both would be considered capital improvements and eligible to be charged to the Park Fund.

Supervisor Aspengren suggested that we obtain two additional proposals for repairing the playgrounds. The Board agreed.

### **Engineer's Report (9:01:00 pm)**

#### **1) On- Site Marketing - Request Acceptance of Cress View Drive and Meadow View Blvd. (9:01:00 pm)**

Engineer Nelson stated that, On-Site Marketing, the developer of Cress View Estates has requested that the Township accept Cress View Drive and Meadow View Blvd. He noted that he had sent out a letter to each of the Board members recommending acceptance of the roads as requested. He noted that the warranty period has now been fulfilled and that the developer has completed the basic items on the punch list.

Since that time, there are two concerns left; a tree closest to the entrance and a depression in the blacktop at the intersection of Cress View Drive and Meadow View Blvd.

Engineer Nelson also noted that there are some turf establishment issues.

Supervisor Nilsen made a motion to accept the portion of Meadow View Blvd and Cress View Drive specified by Engineer Nelson with the understanding that the three open items, namely establishment of turf, the tree at the entrance to the project and the

blacktop depression at the intersection of Cress View Blvd and Meadow View Drive, be completed. Supervisor Kraft offered a second, all in favor, motion passed 5 – 0.

**2) Territory - Partial Release of Letter of Credit Funds (9:09:15 pm)**

Engineer Nelson noted that we have received a draw request for \$40,150 to reimburse the contractor for that portion of work that has been completed against the recent project authorized by the Board.

Engineer Nelson indicated that he has approved these items and is recommending that the payment be made.

Supervisor Nilsen made a motion to release funds amounting to \$40,150 from the Letter of Credit to Tradition Development. Supervisor Aspengren offered a second, all in favor, motion passed 5 – 0.

Rob Wachholz, representing the SA Group, noted that as a part of the inspection of the work completed above, Assistant Engineer Ken Beck has developed another list of items amounting to approximately \$10,000 to \$13,000 that needs to be completed and Mr. Wachholz would like Board approval to complete this work. It will fall within the already approved budget with the understanding that the funds approved were 125% of the amount estimated to complete the project.

Chairman Schommer made a motion to approve this list. Supervisor Nilsen offered a second, all in favor, motion passed 5 - 0,

Mr. Wachholz also reported that he had just received the plans for the replacement of the defective mound from Halling Engineering and asked when the Board would be able to review these.

The Board decided to continue this meeting at 6:00 pm on July 20<sup>th</sup>, at which time a review of this design will be undertaken.

**3) Roadway Management Plan (9:19:55 pm)**

Engineer Nelson reported that he was asked to re-rate the roads and this task has been completed and is now available in 3 ring binders along with the Capital Improvement Plan for future reference.

Clerk Maas asked if future activity as far as road repairs could also be included in this document. Engineer Nelson indicated that this would be the plan.

**4) Whitewood Ave Change Order (9:23:50 pm)**

Engineer Nelson indicated that he received numbers from Quiring Excavating earlier in the day. He mentioned that he had been asked to get estimates for trash guards for the culverts and installation of a fire sign post to relocate the existing sign that is currently on the opposite side of the street.

Engineer Nelson noted that the Engineering manual specifies trash guards of 24 inches and larger and we may want to consider updating the manual to specify that these be required for smaller pipes. Chairman Schommer noted that he felt this was a safety issue and should be installed.

Supervisor Nilsen asked why the Fire signs for two homes on opposite sides of the street had been installed originally on a single post?

There was a question as to the cost of installing the trash guards and it was suggested that Engineer Nelson get additional quotes for this work and that the Board will also consider this at the continuation of this meeting on July 20<sup>th</sup>.



#### **5) Huntington Way Pay Estimate (9:30:15 pm)**

Engineer Nelson presented a pay estimate for \$19,871.12 Tri-County Excavating based on work completed. He recommends payment of this amount.

Chairman Schommer noted that the project is very late in being completed.

Supervisor Aspengren mentioned that it was his understanding that if this work were completed on time, that we would reduce the penalties for liquidated damages.

Engineer Nelson stated that there has been no adjustment in this pay estimate based on liquidated damages.

Supervisor Aspengren asked why the term "temporary seeding" is being used? Engineer Nelson indicated that it is his feeling that the contractor is hoping that the seeding will work and no additional seeding will be required.

Engineer Nelson stated that previous written communication from the Board to the contractor specified that the liquidated damages would be settled upon completion of the project.

Supervisor Kraft made a motion to pay \$19,271.12 to Tri-County Excavating. Supervisor Aspengren offered a second, all in favor, motion passed 4 – 1 (Supervisor Nilsen opposed)

#### **Attorney Report (9:42:45 pm)**

##### **1) Discuss Amendment to Fee Structure Ordinance 2007-03**

Attorney Ruppe noted that at the last meeting he had passed out copies of a proposed Ordinance Amendment to add a fee for Deck Permits in the amount of \$25.

Supervisor Aspengren made a motion to adopt an Amendment to Ordinance 2007-03 to add a Deck Fee. Supervisor Lawrence offered a second, all in favor, motion passed 5 – 0.

##### **2) Discuss Policy on Data Practice Act Requests**

Attorney Ruppe also noted that he had previously provided a copy of a proposed policy for processing Data Practice Requests that would provide some guidance to handle these. It is recommended by the Township Association to we have such a policy in place.

Treasurer Batton suggested two changes regarding office hours and also providing for requests to be submitted by email,

Chairman Schommer made a motion to adopt this policy. Supervisor Aspengren offered a second, all in favor, motion passed 5 – 0.

##### **3) Consider Adopting Ordinance related to Fees for Data Practice Act Requests**

Attorney Ruppe stated that he had also supplied a document to provide for the collection of fees related to providing information under the Data Practices Act.

Supervisor Lawrence suggested that we remove reference to Data Diskettes in that we do not have the capability to provide these. It was also asked that we remove the provision for supplying oversize maps that we don't have equipment to duplicate.

Attorney Ruppe suggested that this Ordinance be reviewed periodically as costs change.

Chairman Schommer made a motion to adopt Ordinance 2009-02 with corrections, Supervisor Lawrence offered a second, all in favor, motion passed 5 – 0.

**4) Certify Unpaid CSTS Charges (9:55:12 pm)**

Treasurer Batton stated that she has used the standard form to designate these fees and asked that the Board adopt this resolution tonight contingent on her updating the list based on some amounts that are expected before Thursday.

Supervisor Kraft made a motion to adopt Resolution 2009-07 to certify delinquent sewer fees directing Treasure Batton to update the list and submit to the County Taxation Office by July 9th. Supervisor Nilsen offered a second, all in favor, motion passed 5 – 0.

**5) Easements for SSD Properties (9:58:40)**

Attorney Ruppe noted that at the last meeting a question arose relative to whether or not, the easements had been written properly to allow township personnel access to property in order to perform maintenance on the CSTS systems.

Attorney Ruppe reported that based on research he has done these are written properly and that there is no question as to the legality providing access to private property.

**6) Resolution Reducing Interest Rates on Prior Assessments (9:59:00 pm)**

Attorney Ruppe presented a draft Resolution that would allow the Board to reduce the interest rates on the most recent road projects to 4.65% because the Township had been successful in obtaining very favorable bond rates.

Treasurer Batton stated that it was her understanding that the Board had already approved this reduction at the February 2, 2009 meeting.

Attorney Ruppe stated that in looking over the materials in the record, he found that differing rates were mentioned. He stated that he discussed this with Brenda Krueger who recalculated the allowable rate and re-confirmed the 4.65% figure.

Attorney Ruppe also wanted it known that technically we are obligated to hold a public hearing on this matter, however, since we are reducing rates he felt we have a basis to waive the requirement for a public hearing.

Treasurer Batton stated that she had asked the Board for permission to contact Attorney Ruppe to get clarification of the timeline discussed at the May meeting. She did not request that a Resolution be drafted and that this was done without direction from the Board.

Attorney Ruppe indicated that if we were going to reduce the rate, this process would need to be followed.

Treasurer Batton stated that she was instructed by Deb Heyda, Scott County Taxation, to coordinate this action with her. Attorney Ruppe did not do that and approval will need to come from Deb Heyda regarding the format and language of the resolution to make sure it meets the county's specifications.

It was decided to table further discussion on this topic and to consider it at the August 3<sup>rd</sup> meeting,

**Clerk's Report**

**1) Building Permit Report (10:05:15 pm)**

Clerk Maas presented the report

## **2) Discuss Future Consent Agendas (10:05:45 pm)**

Clerk Maas mentioned that he and Chairman Schommer had been discussing the possibility of implementing a consent agenda concept in at future meetings in an effort to reduce the length of the meetings.

Clerk Maas noted that this had been tried unsuccessfully in the past but was hopeful that we might try this again. He noted that this concept requires that routine and non-controversial items be grouped into a single topic and be singly acted upon with no discussion taking place. He mentioned that this method seems to work in most of our neighboring cities and at the County.

Clerk Maas was concerned that this approach might not work because historically the Board seems to find it necessary to discuss most topics at some length or another.

Supervisor Nilsen observed that the cities have staff people who are able to prepare information prior to the meetings for Board review and this in all probability answers questions in advance that the Board may have. He also pointed out that they have workshops in advance of the meetings where they have the opportunity to get details out of the way.

The board decided to keep this in mind and possibly use a consent agenda when warranted.

(Attorney Ruppe and Engineer Nelson left the meeting at this time since their work was completed)

## **Treasurer's Report**

### **1) Treasurers Report for May (10:10:10 pm)**

Treasurer Batton presented the report for May. She noted that there were some discrepancies pertaining to 2008 checks voided in 2009 at that time that have now been resolved.

Supervisor Kraft made a motion to accept the May report as presented. Chairman Schommer offered a second, all in favor, motion passed 5 – 0.

Treasurer Batton also provided copies of the June report, but asked that approval of this be postponed pending information needed from the county.

Treasurer Batton also supplied a new Revenue and Expenditure Guideline report for the Board to consider.

Supervisor Kraft noted that it is his hope that we try in the future to adjust some of the budget figures to more accurately reflect the expected month these will be actually realized.

### **2) Request Transfer of Funds (10:14:20 pm)**

Chairman Schommer made a motion to transfer \$230,000 from the savings account to the checking account. Supervisor Lawrence offered a second, all in favor, motion passed 5 – 0.

### **3) Developer Escrow Review (10:15:42 pm)**

Treasurer Batton presented the escrow report and noted that everything is in order.

### **4) Treasurer Report Format - Feedback from the Board (10:17:40 pm)**

Treasurer Batton is seeking information from the Board as to what they would like to see in terms of financial information on a monthly basis. Her perception is ending fund balances for the month as well as budget to actual figures.

Supervisor Nilsen suggested that perhaps two supervisors might come in and review the financial information on a monthly basis to reduce the amount of time required at the actual meetings. It was determined that Supervisor Kraft and Supervisor Aspengren would review financial reports prior to the meetings. Supervisor Nilsen suggested reviewing the budget status four times a year.

**5) 2010 Budget Timeline (10:27:15 pm)**

Treasurer Batton reminded the Board that we would be reconvening the Annual Meeting in September to set the Levy Rates for 2010. With this in mind, it would be advisable to start planning for the budget now.

It was decided that input from the various functions would be needed by the end of July for approval by mid August.

As a part of this discussion, related to election expenses, it was noted that in all probability a second voting location would be needed by 2012 and it was suggested that Clerk Maas contact the City of Prior Lake at this time to reserve the Fire Station for 2012.

**6) Questions for MAT**

This subject was deleted from the agenda.

**7) Use of Capital Reserves for SSD's (10:38:50 pm)**

Treasurer Batton stated that the auditor requested that the Board identify and isolate what expenditures would qualify for use of this fund. She has discussed this with Ryan Brandt who provided her with an estimate of time required to arrive at these figures. While she can see the value of arriving at accurate estimates, she could not see why it would take this much time to calculate.

Supervisor Aspengren will meet with Ryan Brandt to clarify.

**8) Time Sheets (10:42:20 pm)**

Treasurer Batton requested that all claims turned in by noon the Friday preceding the monthly meeting. The Board agreed.

## **New Business**

**1) Approve Joint Powers Agreement for Assessment Services 2010 (10:43:20 pm)**

Clerk Maas noted that he had previously sent a copy of this JPA to the Board for review. It was pointed out that the contract calls for an amount of \$30,000 for 2010.

Supervisor Lawrence made a motion to approve this Joint Powers Agreement. Supervisor Aspengren offered a second, all in favor, motion passed 5 – 0.

**2) Update on Markley Lake – Prior Lake and Scott WMO (10:45:00 pm)**

Supervisor Aspengren noted that he and Chairman Schommer had met with representatives of the Scott WMO. They will prepare a recommendation on solutions for the Markley Lake issue.

Supervisor Aspengren mentioned that the City of Prior Lake is attempting to determine what amount of development can be done around Markley Lake. It is his opinion that no development can be completed because it is impossible to allow any amount of discharge into the lake.

**3) Neighborhood Watch Program (10:47:40 pm)**

Supervisor Lawrence noted that a resident had contacted him with regard to this subject. He agreed that perhaps the Township should think about sponsoring a Neighborhood

Watch presentation and hopefully encourage some neighborhoods to look into starting such a program.

Chairman Schommer suggested that we get representatives from the neighborhoods where it has proven successful to attend this meeting to offer testimonials.

Clerk Maas mentioned that it requires leadership to first of all start such a program and also to keep it active. Supervisor Nilsen concurred noting that we could promote the idea, but the residents have to want to follow through.

Clerk Maas suggested that perhaps one of the supervisors might want to take responsibility for overseeing this in the Township.

Treasurer Batton suggested that we might want to include a Park Watch component.

The Board decided to set up a meeting in September.

#### **4) SCALE Long Range Plan (10:56:35 pm)**

Supervisor Aspengren present a copy of the Goals for SCALE and mentioned that this will be considered for adoption at the next SCALE meeting on July 17<sup>th</sup>. He asked if the Board had any other ideas on what might be included and that he personally would like to see mention made of an initiative to look into "sustainable development".

Supervisor Nilsen asked what was meant by the term: sustainable development"

Supervisor Aspengren explained that this concept calls for efforts being put forth in current development not to use up all of the natural resources at the expense of tomorrows citizens,

#### **5) Town Hall / CSTS Septic Pumping (10:59:50 pm)**

Supervisor Aspengren reported that we had sent out requests for quotes for pumping the Town Hall septic system as well as pumping under contract the CSTS systems to three contractors. We received one quote back.

Supervisor Nilsen made a motion to accept the quote from Mike's Septic Pumping. Supervisor Aspengren offered a second, all in favor, motion passed 5 – 0.

#### **6) Policies (11:08:20 pm)**

Treasurer Batton presented previously approved policies for signature.

#### **Review and Pay Bills (11:10:00 pm)**

7/6/2009	5077	Al Aspengren	Expenses	\$	95.70
7/6/2009	5078	Art Johnson Trucking	June Blade Gravel Roads	\$	1,360.00
7/6/2009	5079	Bohnsack & Hennen Excavating	Ditch Work Century Lane	\$	1,949.25
7/6/2009	5080	Brent Lawrence	Expenses	\$	26.40
7/6/2009	5081	CenterPoint Energy	Town Hall Gas	\$	16.95
7/6/2009	5082	Chas Cudd Builders	NPDES Refund	\$	950.00
7/6/2009	5083	City of Prior Lake	2nd Half Fire Contract	\$	94,677.00
7/6/2009	5084	Collins Tree	Tree Trimming	\$	745.50
7/6/2009	5085	Couri MacArthuer & Ruppe	June Legal	\$	2,161.25
7/6/2009	5086	DB Services	Repair Curb Boxes	\$	3,800.00
7/6/2009	5087	Dennis Karow	June Lawn Mowing	\$	1,268.19
7/6/2009	5088	ECM Publishing	June Legal Adv Lakeville	\$	77.00
7/6/2009	5089	Ehlers & Associates	Fiscal Impact Study	\$	5,298.44
7/6/2009	5090	GE Capital	Monthly Copier Lease	\$	298.22
7/6/2009	5091	Gopher State One Call	Utility Locates	\$	15.95
7/6/2009	5092	Hakanson Anderson Associates	Engineering Charges	\$	11,595.23

7/6/2009	5093	Holly Batton	Expenses	\$	213.12
7/6/2009	5094	Integra Telecom	Phone Expenses	\$	507.38
7/6/2009	5095	Stantec EcoCheck	April CSTS	\$	11,327.12
7/6/2009	5096	Jerald Maas	Expenses	\$	75.52
7/6/2009	5097	Lennar Corporation	NPDES Refund	\$	1,660.00
7/6/2009	5098	Leroy Schommer	Expenses	\$	29.70
7/6/2009	5099	MAT Insurance Trust	PAL / E & O / Bonding	\$	3,402.00
7/6/2009	5100	Mesenbrink Construction	Refund Escrow Balance	\$	97.50
7/6/2009	5101	Mike's Septic	Stonebridge Pumping	\$	2,000.00
7/6/2009	5102	Minnesota Sodding	CSTS Mowing	\$	2,599.00
7/6/2009	5103	MVEC	Electrical Services	\$	537.38
7/6/2009	5104	North Branch Printing	Receipt Books	\$	162.73
7/6/2009	5105	Private Underground	May / June Utility Locates	\$	199.50
7/6/2009	5106	Quality Sweeping Services	Street Sweeping	\$	675.00
7/6/2009	5107	SA Group	Territory Repairs	\$	40,180.00
7/6/2009	5108	Scott County Treasurer	Annual Assessment Services	\$	27,720.00
7/6/2009	5109	Scott Soil & Water Conservation District	May Inspections	\$	168.00
7/6/2009	5110	SW Suburban Publishing	Legal Advertising - Prior Lake	\$	421.29
7/6/2009	5111	Tom Kraft	Expenses	\$	100.10
7/6/2009	5112	Void		\$	-
7/6/2009	5113	Wells Fargo Bank	Bond Interest	\$	9,512.50
7/6/2009	5114	Xcel Energy	St Francis Street Light	\$	12.72
7/6/2009	5115	Al Aspengren	Services As Supervisor	\$	855.98
7/6/2009	5116	Brent Lawrence	Services as Supervisor	\$	752.65
7/6/2009	5117	Bruce Nilsen	Services as Supervisor	\$	734.18
7/6/2009	5118	Holly Batton	Services as Treasurer	\$	1,219.21
7/6/2009	5119	Jerald Maas	Services as Clerk	\$	2,271.28
7/6/2009	5120	Leroy Schommer	Services as Supervisor	\$	955.82
7/6/2009	5121	Tom Kraft	Services as Supervisor	\$	795.41
7/6/2009	5122	Void		\$	-
7/6/2009	5123	Tri County Aggregates	Pay for Huntington Way	\$	19,871.12
7/6/2009		Minnesota Revenue	2nd Qtr State Withholding	\$	751.14

## Continue

There being no further business before the Town Board, Supervisor Nilsen made a motion to continue the meeting until July 20 at 6:00 to discuss the Territory Mound Design, the Change Order for Whitewood and to approve bills as necessary. Supervisor Lawrence offered a second, all in favor, motion carried 5 - 0. The meeting dismissed at 11:38 pm.

## Re-Convene

## Call to Order

Chairman Leroy Schommer called the meeting to order at 6:00 pm.

## Members Present:

Chairman Leroy Schommer, Vice Chairman Bruce Nilsen, Supervisor Brent Lawrence, Supervisor Tom Kraft, Supervisor Al Aspengren

## **Others Present:**

Township Clerk Jerry Maas, Township Treasurer Holly Batton, Township Engineer Shane Nelson

## **Old Business**

### **1) Territory Weeping Mound – New Design Review (6:00:30 pm)**

Rob Wachholz representing SA Group, appeared to update the Board on the progress on the new design.

He commented that the County has been un-responsive so far in terms of providing comments on the new design for the weeping mound. Mr. Wachholz believes the design is standard and there should not be any issues. He is of the opinion that Engineer Nelson should be in a position to make a reliable recommendation.

Engineer Nelson reviewed an email he had received from Brent Matter, Scott County Environmental Services. In this email Mr. Matter requested a summary of the problem we've had with the mound, a description of the solution and a completed application for the required permit along with the fee of \$1325.

Engineer Nelson also discussed a letter he had sent to the Board recommending the design be approved contingent on meeting two requirements. 1) revising the drawing to show the mound to scale and 2) to add a notation that his recommendation is subject to Scott County review and approval.

Engineer Nelson stated that the location that was chosen for this mound minimized the amount of piping required and that the soils have passed the required tests. The existing split rail fence will be need to be relocated.

Mr. Wachholz pointed out that while the drawing is not to scale, the basic technical elements of the design are in place.

Supervisor Nilsen asked about the mound overlapping other mounds. Engineer Nelson stated that these are alternate mound sites and that the rock beds themselves do not overlap.

Supervisor Aspengren asked about the perk tests and whether they have been submitted to MPCA. Engineer Nelson indicated that they had only been submitted to the Tounship.

Supervisor Aspengren also asked if the completion date will be met.

Engineer Nelson responded that the schedule will be very tight and that the County will not review the design until they have the completed permit application.

Mr. Wachholz noted that this site is not required to meet the current capacity requirements and therefore in his opinion, an extension from the MPCA ought to be considered since in effect we are replacing a mound that is not currently needed.

Supervisor Kraft made a motion to accept the design with the two provisions that Engineer Nelson had requested. Supervisor Nilsen offered a second, all in favor, motion passed 5 – 0.

Chairman Schommer made a motion to pay the \$1325 application fee to Scott County for the required permit and asked that Engineer Nelson complete the application and summary letter requested from the County.

Supervisor Nilsen expressed concern that the fee seems to be excessive and suggests that Mr. Wachholz convey this concern and seek a reduction in the amount.

Supervisor Aspengren offered a second to the motion before the Board, all in favor, motion passed 5 – 0.

Supervisor Kraft stated that he has discussed the ditch mowing with our contractor and this will be addressed in the next two weeks.

Chairman Schommer noted that he and Supervisor Kraft had met with two residents and they pointed out that the trail crossing in front of the Lodge was not marked. He asked Mr. Wachholz if they would stripe this walkway using the existing LOC funds.

Mr. Wachholz mentioned additional punch list items that have been identified, none of which appear to be significant from a cost standpoint and he proposed that we contract to complete these on a rime and material basis.

As to the mound sites themselves, Mr. Wachholz presented a sample sign that he is proposing to install to eliminate trespassing on the mound areas. He also commented on the fact that the fencing system does not seem to be designed to accomplish what it was intended to do. Consequently, he is proposing to re-locate some of the split rail fences to make them more effective in restricting access to the mounds. He noted that potentially the maintenance requirements could be significantly reduced. For example, by reducing the number of scrub trees in the area, future grass cutting could be simplified or in fact eliminated.

It was noted that the fencing is a critical requirement of the MPCA and that it will be necessary to inform the them of this proposal. The Board asked Mr. Wachholz to prepare a plan to present to the MPCA by the next meeting on August 3, 2009.

Supervisor Aspengren asked Mr. Wachholz for clarification on the resident involvement in some of these projects?

Mr. Wachholz noted that certain residents have formed a Grounds Committee and that he would envision their assistance in tree elimination and some mowing tasks.

There was some concerns expressed regarding the liability issues that might arise should the residents do some of this work.

Mr. Wachholz felt that this could be addressed through some sort of an agreement or indemnification process.

Supervisor Nilsen commented that it was his view that this work was being performed on private property and that the Township was not involved.

Engineer Nelson mentioned that the water and sewer shut-off valves seem to be sticking up in some locations, some as high as 2 feet above ground. It was determined that a height of 4-6 inched above ground after final grade would be acceptable for the sewer shut off valves. It was also suggested that Engineer Nelson discuss this with the Scott County Building Inspector to possibly make this an inspection item prior to granting occupancy.

## **2) Whitewood and Birch Construction Project (6:53:15 pm)**

Previously Engineer Nelson had been asked to get some competitive quotes for work on some culverts and signs for this project.

Chairman Schommer noted that we had received a quote from Quiring Excavation had presented a proposal to complete the required culvert work for \$1150 including the materials. We also received a quote from DB Services for \$1450.

Supervisor Aspengren made a motion to accept the quote from Quiring. Supervisor Kraft offered a second, all in favor, motion passed 5 – 0.



Engineer Nelson asked about the Board's wishes as far as making permanent changes to the Engineering Manual regarding the size of trash guards.

Chairman Schommer suggested that we not make any changes, that they were changed for this project as a safety issue and that future projects ought to be considered individually on a project by project basis.

Supervisor Nilsen suggested that we change the vegetation requirements to specify that we require sod to be used on that portion of the property from the ditch center away from the roadway. and that the portion from the ditch center towards the road itself be seeded.

Engineer Nelson suggested that this not be added to the manual, but that it be kept in mind for future projects noting that using sod does not always lead to satisfactory solutions either.

Clerk Maas suggested that perhaps an "addendum portion" be added to the manual in order to take advantage of what we learn on these projects and correspondingly document these items for future boards and staff.

### **3) Road Work for 2010 (7:01:40 pm)**

Supervisor Kraft asked if we should be discussing road plans for next year in view of our current efforts to arrive at a budget for 2010. He suggested that two supervisors drive the roads, particularly the cul-de-sacs, and present a recommendation to the entire Board.

Supervisor Kraft indicated that he would try to arrive at a list for next meeting.

Supervisor Kraft stated that he has referred residents of the Territory to Supervisor Aspengren for weed issues.

Supervisor Kraft also suggested that Assistant Engineer Beck prepare a list of roads that need to be crack filled for next year along with detailed analysis of the amount of work required for each road. He also felt that we should seek competitive pricing for next year's crack filling instead of going directly to the County.

Supervisor Nilsen noting that we've not been too far off in the past with our estimates for crack filling and seal coating, that we need to be careful not to spend too much money trying to get excessive detail for budgeting purposes.

### **4) Transfer Funds (7:23:10 pm)**

At Treasurer Batton's request, Chairman Schommer made a motion to transfer \$20,000 from the savings account to the checking account. Supervisor Lawrence offered a second, all in favor, motion carried 5 – 0.

### **Review and Pay Bills (7:24:00 pm)**

7/15/2009		Anchor Bank	ACH Service Fee	\$	10.40
7/20/2009	5124	Couri, Macarthur & Ruppe	Legal Services	\$	2,002.50
7/20/2009	5125	Franz Homes	Access Refund	\$	900.00
7/20/2009	5126	GE Capital	Copier Lease	\$	298.75
7/20/2009	5127	Gopher State One Call	Utility Locates	\$	17.40
7/20/2009	5128	Integra Teleom	Phone Services	\$	512.30
7/20/2009	5129	Stantec EcoCheck	May CSTS O & M	\$	13,201.15
7/20/2009	5130	Joshua Heimkes	NPDES Refund	\$	1,990.00
7/20/2009	5131	Metro Sales	Copier Maintenance	\$	137.90
7/20/2009	5132	Mn Dept of Health	Maintenance permit - Territory	\$	1,450.00
7/20/2009	5133	Minn Dept of Revenue	State Tax 2nd Quarter	\$	751.14
7/20/2009	5134	Safety Signs	Street Signs	\$	250.00

7/20/2009	5135	Scott County Treasurer	Road Salt	\$	9,384.15
7/20/2009	5136	Xcel Energy	St Francis Street Light	\$	12.75
7/20/2009	5137	Scot County Treasurer	Permit Fee-Territory Mound	\$	1,325.00

## Adjourn

There being no further business before the Town Board, Supervisor Nilsen made a motion to adjourn. Supervisor Aspengren offered a second, all in favor, motion carried 5 - 0. The meeting adjourned at 7:44 pm.

\_\_\_\_\_  
Submitted By: (s/) Jerald R. Maas  
Township Clerk  
Credit River Township

\_\_\_\_\_  
Approved By: (s/) Leroy Schommer  
Chairman Board of Supervisors  
Credit River Township